



September 17, 2021

VIA ELECTRONIC FILING

The Honorable Jocelyn G. Boyd
Clerk

South Carolina Public Service Commission

101 Executive Center Dr., Suite 100
Columbia, SC 29210

RE: Cherokee County Cogeneration Partners, LLC, Complainant/Petitioner v. Duke Energy
Progress, LLC and Duke Energy Carolinas, LLC, Respondents
Docket No. 2020-263-E

Dear Ms. Boyd:

This letter responds briefly to the letter from ORS counsel dated September 14, 2021 in the above-referenced Docket. That correspondence “concludes that the avoided cost rate proposed by Cherokee is not consistent with the methodology approved by the Commission in Order No. 2019-881(A). The letter goes on to state ORS’ position that “Cherokee’s proposed rate would result in Duke customers paying significantly more for power purchased from Cherokee than it would otherwise cost Duke to generate power itself or purchase power from another source in violation of PURPA requirements and, in turn, S.C. Code Ann. § 58-27-865.”

Although judicial economy might well be served by deciding contested cases based on correspondence from attorneys, such an approach would undoubtedly run afoul of the due process and evidentiary requirements embodied in the S.C. Administrative Procedures Act. Accordingly, parties must present “conclusions” and “positions” (such as the above) involving disputed facts to the Commission as part of the record.

Neither the letter from ORS counsel (nor this correspondence for that matter) is part of the record of this case.

If you have any questions, please do not hesitate to contact me.

Yours truly,

s/John J. Pringle, Jr.
John J. Pringle, Jr.

Cc: Counsel of Record

Attorneys at Law

Alabama
Florida
Georgia
Louisiana
Mississippi
South Carolina
Tennessee
Texas
Washington, DC

John J. Pringle, Jr.

Direct: 803.343.1270
E-Fax: 803.343.1238
jack.pringle@arlaw.com